

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|------------------|---------------------------------------------------------------------------------|-------------------|-----------|
| Applicant:       | Frederick W. LARK                                                               | Confirmation No.: | 4331      |
| Application No.: | 10/680,407                                                                      | Art Unit:         | 3625      |
| Filed:           | October 8, 2003                                                                 | Examiner:         | Y.C. Garg |
| Title:           | METHOD AND SYSTEM FOR COMPUTER-BASED AUCTIONING<br>OF BASIC GENERATION SERVICES |                   |           |

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO EXAMINER'S REASONS FOR ALLOWANCE**

Dear Sir:

Applicants substantially agree with the Examiner's reasons for allowance in the Office Action, subject to the comments herein. Applicants would like to emphasize, and assume that the Examiner intended to so state, that the combination of elements in each of the allowed claims, independent and dependent, are patentably distinguishable over the prior art when each claim is interpreted as a whole.

Applicants provide no opinion with respect to interpreting the references cited by the Examiner, and therefore, do not concede to the Examiner's interpretation of same, as permitted under 37 C.F.R. Section 1.104(e), particularly since the Examiner does not respond to an Applicant's Response to Reasons for Allowance. Applicants would like to clarify that the only interpretation that Applicants will accept or agrees with is the interpretation that one of ordinary skill in the art would understand from the prior art references.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be

presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0113217.00121US2 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: June 26, 2008

/Irah H. Donner/

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